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UNITED STATES DISTRICT COURT 2023 MAR -1 PM 2:53  
SOUTHERN DISTRICT OF NEW YORK

Tawana Harris Powell

Write the full name of each plaintiff.

\_\_\_\_ CV \_\_\_\_  
(Include case number if one has been assigned)

-against-

Adanna Simon

**COMPLAINT**

Do you want a jury trial?  
☒ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Harassment while in the workplace

### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Tawana Harris Powell, is a citizen of the State of  
(Plaintiff's name)

New York State

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, Adanna Simon, is a citizen of the State of  
(Defendant's name)

New York State

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If the defendant is a corporation:

The defendant, \_\_\_\_\_, is incorporated under the laws of  
the State of \_\_\_\_\_

and has its principal place of business in the State of \_\_\_\_\_

or is incorporated under the laws of (foreign state) \_\_\_\_\_

and has its principal place of business in \_\_\_\_\_.

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

<u>Tawana</u>	<u>R</u>	<u>Harris Powell</u>
First Name	Middle Initial	Last Name
<u>49 Crown</u>	<u>St</u>	<u>10F</u>
Street Address		
<u>Kings, Brooklyn</u>	<u>NY</u>	<u>11225</u>
County, City	State	Zip Code
<u>347-285-4469</u>	<u>tawana.harris82@yahoo.com</u>	
Telephone Number	Email Address (if available)	

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

<u>Adanna</u>		<u>Simon</u>
First Name		Last Name
<u>LPN at ArchCare Mary Manning Walsh</u>		
Current Job Title (or other identifying information)		
<u>1339 York Ave</u>		
Current Work Address (or other address where defendant may be served)		
<u>New York</u>	<u>NY</u>	<u>10021</u>
County, City	State	Zip Code

Defendant 2:

<hr/>	
First Name	Last Name
<hr/>	
Current Job Title (or other identifying information)	
<hr/>	
Current Work Address (or other address where defendant may be served)	
<hr/>	
County, City	State Zip Code

Defendant 3:

<hr/>	
First Name	Last Name
<hr/>	
Current Job Title (or other identifying information)	
<hr/>	
Current Work Address (or other address where defendant may be served)	
<hr/>	
County, City	State Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

**III. STATEMENT OF CLAIM**

Place(s) of occurrence:

Archcare at Mary Manning Walsh Nursing Home

Date(s) of occurrence:

12/22/22 1/3/23 1/19/23 2/2/23 2/14/23

**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

A person is guilty of Harassment in the Second degree when, with intent to annoy or alarm another person Incident December 22, 2022 Calls my personal Cellphone while at work when in fact was Block Jan 19, 2023 waits until I walk by her Name-calling Offensive jokes "I can't believe someone who is skinny and has nothing (Body Shaming) has a man" Uninhibited Screaming and yelling at employees are a signature of workplace bullying Incident January 3, 2023 LPN Simon yells at me "Answer the fucking Bells" in the hallways of the Nursing Home Cursing at me

February 2, 2023 LPN Simon Calls Security on Myself while I was providing patient care "I need assistance with Tawana she is not answering the bells" After filing a Harassment Complaint with the HR Department at ArchCare Mary Manning Walsh; Meeting held February 10, 2023 LPN Simon reports to Work February 14, 2023 and Calls the Cops on Myself and I had just arrived.

#### INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

I had to call off work for separation until HR separated Myself and LPN Simon; then she called the Cops after the separation I been experiencing a little anxiety unable to focus or sleep

#### IV. RELIEF

State briefly what money damages or other relief you want the court to order.

My Safety and mental health is more important to me; I Can't work for this Company if I am not safe in a hostile environment Switching jobs and Schedule is putting my Education on hold and has interfered with My Health I want all time Sick, vacation, Holidays that are left to be compensated and also pain & suffering

### V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

3-1-23  
 Dated

Tawana 8 Harziz Powell  
 First Name Middle Initial Last Name

49 Crown St 10F  
 Street Address

Kings Brooklyn NY 11225  
 County, City State Zip Code

347-285-4469 tawanaharris82@yahoo.com  
 Telephone Number Email Address (if available)

I have ☒ read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.